

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v-

23-CV-27 LJV

THE PREMISES AND REAL PROPERTY WITH BUILDINGS, APPURTENANCES, AND IMPROVEMENTS AT 4240 WOLF RUN, LEWISTON, NEW YORK, THAT IS, ALL THAT TRACT AND PARCEL OF LAND, SITUATE IN THE TOWN OF LEWISTON, COUNTY OF NIAGARA AND STATE OF NEW YORK, BEING PART OF LOT 12 MILE RESERVE, KNOWN AS AND BEING SUBDIVISION LOT NO. 15 ON WOLF RUN ACCORDING TO MAP OF FRENCH LANDING SUBDIVISION MADE BY NIAGARA BOUNDARY AND MAPPING SERVICES ON AUGUST 24, 2015 AND FILED IN THE NIAGARA COUNTY CLERK'S OFFICE ON FEBRUARY 9, 2016 AS INSTRUMENT NO. M2016-00002, SLIDE 560-A,

Defendant.

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**NOTICE OF MOTION AND MOTION FOR A  
POST-COMPLAINT RESTRAINING ORDER**

**PLEASE TAKE NOTICE**, that the United States of America, by its attorney, Trini E. Ross, United States Attorney for the Western District of New York, and Mary Clare Kane, Assistant United States Attorney, of counsel, moves this Court for an Order pursuant to Title 18, United States Code, Section 983(j)(1)(A), for entry of a post-complaint Restraining Order to secure, maintain and preserve the availability for forfeiture the following property, identified as the defendant *in rem* in the above captioned case: the premises and real property

with all buildings, appurtenances, and improvements, located at: 4240 Wolf Run, Lewiston, New York, (hereinafter “the defendant real property”).”

On January 11, 2023, the United States filed a Verified Complaint for Forfeiture *in rem*, alleging that the defendant property is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7) as property, which is used, or intended to be used, in any manner or part, to commit, or facilitate the commission of felony violations of Title 21, United States Code, Sections 841 and 846 (narcotics trafficking violations) as well as violations of Title 21, United States Code, Sections 952 and 960 (narcotics importation violations) which are punishable by more than one year’s imprisonment.

As set forth in the accompanying Memorandum of Law in support of this Motion, the proposed Restraining Order is necessary to secure, maintain, and preserve the availability of the defendant property for forfeiture pending resolution of this civil forfeiture action.

PLEASE TAKE FURTHER NOTICE that this motion shall be heard by the Honorable Lawrence J. Vilaro, United States District Judge of Western District of New York, 2 Niagara Square, Buffalo, New York 14202, at a date and time to be set by the Court. Pursuant to United States District Court for the Western District of New York’s Local Rule of Civil Procedure Rule 7(a)(1), the government intends to file Reply papers, if necessary.

WHEREFORE, the government requests that this Court enter post-complaint Restraining Order. A proposed Restraining Order is submitted herewith for the Court's consideration.

DATED: Buffalo, New York, January 27, 2023.

Respectfully submitted,

TRINI E. ROSS  
United States Attorney

*s/Mary Clare Kane*  
BY: MARY CLARE KANE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v-

23-CV-27-LJV

THE PREMISES AND REAL PROPERTY WITH BUILDINGS, APPURTENANCES, AND IMPROVEMENTS AT 4240 WOLF RUN, LEWISTON, NEW YORK, THAT IS, ALL THAT TRACT AND PARCEL OF LAND, SITUATE IN THE TOWN OF LEWISTON, COUNTY OF NIAGARA AND STATE OF NEW YORK, BEING PART OF LOT 12 MILE RESERVE, KNOWN AS AND BEING SUBDIVISION LOT NO. 15 ON WOLF RUN ACCORDING TO MAP OF FRENCH LANDING SUBDIVISION MADE BY NIAGARA BOUNDARY AND MAPPING SERVICES ON AUGUST 24, 2015 AND FILED IN THE NIAGARA COUNTY CLERK'S OFFICE ON FEBRUARY 9, 2016 AS INSTRUMENT NO. M2016-00002, SLIDE 560-A,

Defendant.

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**AFFIDAVIT IN SUPPORT OF MOTION FOR A POST-COMPLAINT  
RESTRAINING ORDER**

State of New York     )  
County of Erie         )     ss:  
City of Buffalo        )

**MARY CLARE KANE**, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's file concerning this action. This Affidavit is submitted in support of the government's Motion for a Post-Complaint Restraining Order for the *res* in the action, that is: the premises and real property with buildings, appurtenances, and improvements at

4240 Wolf Run, Lewiston, New York, and more particularly described as: all that tract and parcel of land, situate in the Town of Lewiston, County of Niagara and State of New York, being part of Lot 12 Mile Reserve, known as and being subdivision Lot No. 15 on Wolf Run according to map of French Landing subdivision made by Niagara Boundary and Mapping services on August 24, 2015 and filed in the Niagara County Clerk's Office on February 9, 2016 as Instrument No. M2016-00002, Slide 560-A (hereinafter, "the defendant real property").

2. On January 11, 2023, the United States filed a Verified Complaint for Forfeiture *in rem*, alleging that the defendant property is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7) as real property that was used, or intended to be used, in any manner or part, to commit or to facilitate the commission of felony violations of Title 21, United States Code, Sections 841 and 846 (drug trafficking violations) as well as violations of Title 21, United States Code, Sections 952 and 960 (drug importation violations). ECF No. 1, incorporated herein by reference.

3. The defendant property in the Verified Complaint for Forfeiture *in rem* is described as follows: the premises and real property with buildings, appurtenances, and improvements at 4240 Wolf Run Drive, Lewiston, New York, that is, all that tract and parcel of land, situate in the Town of Lewiston, County of Niagara and State of New York, being part of Lot 12 Mile Reserve, known as and being subdivision Lot No. 15 on Wolf Run according to map of French Landing subdivision made by Niagara Boundary and Mapping

services on August 24, 2015 and filed in the Niagara County Clerk's Office on February 9, 2016 as Instrument No. M2016-00002, Slide 560-A.

4. As set forth in the accompanying Memorandum of Law in support of this Motion, once a civil forfeiture complaint is filed, the Civil Asset Forfeiture Reform Act of 2000 ("CAFRA") provides broad powers for the Court to issue orders to preserve property for forfeiture. This Court should enter the requested restraining order under Title 18, United States Code, Section 983(j)(1)(A), as the United States has filed a Verified Civil Forfeiture Complaint alleging that the defendant property is subject to civil forfeiture.

DATED: Buffalo, New York  
January 27, 2023

TRINI E. ROSS  
United States Attorney

*s/Mary Clare Kane*  
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